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Gay-rights strategy raises issue of privacy in democratic process

By Lornet Turnbull
Seattle Times staff reporter

Across the country, thousands who contributed to a campaign banning gay marriage in California — including some people in the Seattle area — have had their names and addresses permanently ascribed to an Internet site, along with the amount they gave and their place of employment.

Last week, a Seattle gay man said he will do something similar: post and make searchable online the names and addresses of all who sign a referendum petition to recall legislation giving gay couples in Washington the benefits of marriage, except the name.

This strategy signals a radical change in the way some gays are using the Internet to battle for their cause — putting typically archived public documents within reach of anyone with a computer.

Patterned after online sites in Massachusetts, Arkansas and Florida, the idea behind WhoSigned.org is generating debate inside and outside the gay community and raising questions about privacy in the democratic process and whether such tactics amount to intimidation.

"If you believe and understand and want to hurt families in Washington state and take their rights away, then don't hide, by all means go ahead and sign," said Tom Lang, director of KnowThyNeighbor.org, who launched the first campaign to out petition signers in Massachusetts, the first state to legalize gay marriage. "No minority group should have their civil rights subjected to the ballot box."

But Maggie Gallagher, an advocate who writes extensively against gay marriage, said the strategies could have a chilling effect on the democratic process and surely will spread as long as organizers are effective in intimidating voters.

"They are using the public-disclosure laws to punish people for participating in the democratic process — a core right," said Gallagher, the New York-based president of the Institute for Marriage and Public Policy.

"People only do these tactics when they are afraid of voters and want to intimidate them."

In the days since WhoSigned.org was announced, election officials at the Secretary of State's Office in Olympia have fielded calls and e-mails from people inquiring about its legality. While state law bans voter intimidation, whether posting the names of those who sign a petition rises to that level is unclear.

"It's not something we police but... a matter for the courts, if someone had a complaint," said Dave Ammons, spokesman for the secretary of state. "It's a matter of judgment. Where do you cross the line between freedom of expression and getting in someone's face?"

WhoSigned.org would make it easy to find out where someone lives, and that makes some who might sign the petition worry their families, homes and businesses could be targeted. Others have said "outing" them on a Web site could jeopardize job opportunities.

Joseph Backholm, executive director of the Family Policy Institute of Washington, said, "What I'd like to see is not necessarily agreement on core issues, but for those on both sides to see each other as real people and stop with the labels and constant name calling — that they're perverts, we're bigots. It's absurd."

Canvassers with Protect Marriage Washington, the Referendum 71 campaign, have a July 25 deadline to collect at least 120,000 signatures to qualify R-71 for the November ballot.

Backers of the referendum may get a boost from otherwise ambivalent voters who said they were angered by the threat of having their names and addresses posted online and now want to support the referendum.

Referendum backers say they don't know how many would-be supporters may have been chilled by the threat of being publicly named and won't sign.

"If we've had 1,000 people say they'll sign, there could be another 1,000 who may not as a result," said Gary Randall, executive director of the Faith & Freedom Network, one of the referendum organizers.

NNews of the Web site so infuriated Doug Crandall that he says he'll likely now sign the referendum where previously he had no intention of doing so.

"On this issue (R-71), I really don't have a strong opinion one way or another," said Crandall, of Bellevue. "I have great friends who make me feel one way, and personal convictions that make me feel another."

But the Web site is a bully tactic that emboldened him, he said. "I'm not going to bow to their intimidation."

Evan Wolfson, executive director of the gay-marriage-rights group Freedom to Marry, said it's reasonable for gays to learn how members of their family and their neighbors, co-workers — even friends — stand on issues crucial to their lives.

"There's nothing more threatening and intimidating than launching a ballot measure to take away protections from your neighbors," he said.

Josh Freides, advocacy director with Equal Rights Washington, which is leading the Decline to Sign campaign against R-71, doesn't disagree with that.

But making an announcement to out people creates a barrier to civil discourse, "when what we need to be doing is talking about the problems that Washington families face because they don't have the equal rights to protect themselves," he said.

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